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Letter dated 24 September 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 5 May 2004 (S/2004/366). The Counter-Terrorism Committee has received the attached fourth report from Malaysia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Andrey I. **Denisov**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 17 September 2004 from the Permanent Mission of Malaysia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Malaysia to the United Nations presents its compliments to the Chairman of the Committee and has the honour to refer to his letter dated 2 April 2004.

In this regard, the Permanent Mission of Malaysia to the United Nations has the further honour to submit additional information from the Government of Malaysia to the Counter-Terrorism Committee pursuant to resolution 1373 (2001) (see enclosure).

Enclosure*

Follow-up response of Malaysia to the report submitted to the Counter-Terrorism Committee in pursuance of resolution 1373 (2001)

Implementation measures

Effectiveness in the protection of the financial system

1. **In its third report, Malaysia states (page 6) that amendments to the Penal Code and the Anti Money Laundering Act 2001 (AMLA) have been drafted and are scheduled to be tabled at the September 2003 Parliamentary sitting in order to incorporate the requirements of subparagraphs 1(b), (c) and (d) of the Resolution into domestic law. The CTC would appreciate receiving an outline of the amendments and a progress report on the enactment of such measures.**

    1. The amendments to the Penal Code and the Anti-Money Laundering Act 2001 to incorporate the requirements of subparagraphs 1 (b), (c) and (d) of SCR 1373 and the International Convention for the Suppression of the Financing of Terrorism were made by the Penal Code (Amendment) Act 2003 [Act A1210] and the Anti-Money Laundering (Amendment) Act 2003 [Act A1208] respectively. These amendments have not come into operation pending consequential amendments that are being made to the Criminal Procedure Code.

    2. The consequential amendments in the Criminal Procedure Code (Amendment) Bill [together with other non-related amendments to the Criminal Procedure Code] were tabled for First Reading in the July 2004 session of Parliament. The Bill has been referred to a Select Committee which has been mandated to seek public views on the Bill. The Bill is expected to continue its progress through Parliament once the Select Committee tables its report.

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* Annexes are on file with the Secretariat and are available for consultation.

3. Outline of amendments to the Penal Code:

3.1 Section 4 of the Penal Code was amended to extend the application of the Penal Code to extra territorial offences under the new Chapter VIA of the Penal Code and to add additional grounds on which extra territorial criminal jurisdiction may be sought.

3.2 Section 94 of the Penal Code was amended to provide that offences included in Chapter VIA will be considered to have been committed even when done by a person who is compelled to commit those offences by threats of instant death.

3.3 A new Chapter VIA (sections 130B to 130T) was introduced into the Penal Code. These provisions are intended to deal with the suppression of terrorist acts and the suppression of the financing of terrorist acts. Penalties for such offences have also been enhanced.

3.3.1 Section 130B defines certain expressions used in Chapter VIA, including "terrorist act" and "terrorism financing offence".

3.3.2 Section 130C makes it an offence to commit a terrorist act as defined in subsection 130B(2). If the act results in death, it is punishable with death and in any other case, with imprisonment for a term of more than seven years but not exceeding thirty years, and shall also be liable to fine.

3.3.3 Section 130D makes it an offence to provide any explosive or other lethal device to a terrorist group or its members.

3.3.4 Sections 130E and 130F make it an offence to recruit persons to be members of a terrorist group or to participate in the commission of a terrorist act and to provide training and instruction to terrorists respectively.

3.3.5 Section 130G makes it an offence to incite or promote the commission of a terrorist act, or to incite or promote membership in a terrorist group or to solicit property for the benefit of a terrorist group or for the commission of a terrorist act.

3.3.6 Section 130H makes it an offence to provide facilities in support of terrorist acts.

3.3.7 Section 130I makes it an offence to direct the activities of a terrorist group.

3.3.8 Section 130J makes it an offence to solicit support for and to give support to a terrorist group or for the commission of a terrorist act.

3.3.9 Section 130K makes it an offence to harbour terrorists.

3.3.10 Section 130L makes it an offence to conspire to commit any of the offences under Chapter VIA.

3.3.11 Section 130M makes it an offence to intentionally omit to give information relating to terrorist acts.

3.3.12 Section 130N makes it an offence to provide or collect property for terrorist acts.

3.3.13 Section 130O makes it an offence to provide financial services or facilities to any terrorist, terrorist entity or terrorist group.

3.3.14 Section 130P makes it an offence to arrange for the acquisition, retention or control of terrorist property.

3.3.15 Section 130Q makes it an offence to deal with terrorist property.

3.3.16 Sections 130R and 130S make it an offence to intentionally omit to give information about terrorist property and terrorism financing offences respectively.

3.3.17 Section 130T deals with offences under Chapter VIA committed by a body corporate.

3.4 A new section 374A was introduced into the Penal Code. The new section 374A makes it an offence to take hostages to compel the Government of Malaysia or the government of any State in Malaysia, any other government, or any international organisation or any other person or group of persons, to do or refrain from doing any act as an explicit or implicit condition

for the release of the hostage. If the act results in death, it is punishable with death and in any other case, with imprisonment for a term of more than seven years but not exceeding thirty years, and shall also be liable to fine.

4. Outline of amendments to the Anti-Money Laundering Act 2001:

4.1 The long title to the Anti-Money Laundering Act 2001 (AMLA) was amended to extend the scope of AMLA to terrorism financing offences and terrorist property.

4.2 Subsection 1(1) of AMLA was amended to amend the short title of the Act which after the amendment comes into operation will be known as the "Anti-Money Laundering and Anti-Terrorism Financing Act 2001".

4.3 Subsection 3(1) of AMLA was amended to introduce the definitions for the expressions "accounts", "terrorism financing offence" and "terrorist property". The clause also seeks to substitute the definition for the expression "property".

4.4 Section 10 of AMLA was substituted to clarify the conditions for the disclosure of information to a corresponding authority of a foreign State.

4.5 Subsection 12(1) of AMLA was amended to provide that section 11 of AMLA does not prevent the communication of the competent authority's information under Part III of AMLA with respect to a prosecution or legal proceedings in connection with the commission of a terrorism financing offence.

4.6 Paragraph 14(a) of AMLA was amended to separate threshold reporting requirements from threshold record keeping requirements under section 13 of AMLA. The proposed amendment seeks to empower the competent authority to specify the threshold under paragraph 14(a) notwithstanding the threshold under section 13 of AMLA.

4.7 Paragraph 21(1)(b) of AMLA was substituted with paragraphs 21(1)(b) and (ba) respectively to distinguish compliance monitoring under section 19 of AMLA from examinations. This amendment would enable regulatory bodies to conduct specific examinations for the purpose of compliance monitoring required under section 19. These regulatory bodies would thus be excluded from

having to undertake the broader role of actual examination and supervision.

4.8 Subsection 32(7) of AMLA was amended to require the statements made under paragraph 32(2)(a) to be reduced into writing to facilitate prosecution.

4.9 Sections 44, 45, 47, 48, 49, 50, 51, 52, 53, 55, 56, 59, 61 and 67 of AMLA were also amended to extend the existing power to freeze, seize and forfeit property and other ancillary powers in relation to proceeds of crime to property used in the commission of terrorism financing offences and to terrorist property.

4.10 A new part VIA (sections 66A to 66F) was introduced into AMLA. The proposed provisions are intended to enable certain entities to be declared or deemed to be declared as terrorists. Pursuant to such declarations, the property of such persons may be frozen, seized and forfeited in accordance with AMLA.

4.10.1 Section 66A defines certain expressions used in Part VIA.

4.10.2 Section 66B empowers the Minister of Home Affairs to prescribe any entity that has knowingly committed, attempted to commit, participated in committing or facilitated the commission of, a terrorist act or that is knowingly acting on behalf of, at the direction of, or in association with, such an entity to be specified as terrorist entities (specified entity).

4.10.3 Section 66C empowers the Minister of Home Affairs to apply any measures imposed by the Security Council of the United Nations through its resolutions made in pursuance of Article 41 of the Charter of the United Nations by an order published in the *Gazette*. Subsection 66C(2) provides that if there are reasonable grounds to believe that an entity specified in an order made under the proposed section is engaged in terrorist acts, that entity shall be deemed, with effect from the date of the order, to have been declared as specified entity under section 66B.

4.10.4 Section 66D empowers the Minister of Home Affairs, by order published in the *Gazette*, to require any person or class of persons to

determine within a period specified in the order whether they are in possession or control of terrorist property or property owned or controlled by or on behalf of any specified entity.

4.10.5 Section 66E provides that for the purposes of Part VIA of AMLA, the relevant regulatory or supervisory authority may issue directions or guidelines to the institutions under their regulation or supervision in order to discharge any obligation binding on Malaysia by virtue of a decision of the Security Council of the United Nations.

4.10.6 Section 66F is a savings clause for the existing orders made under the Exchange Control Act 1953 and the Labuan Offshore Financial Services Authority Act 1996.

4.11 Subsection 82(1) of AMLA was amended to add additional grounds on which extra territorial criminal jurisdiction may be exercised.

2. With reference to the mechanism(s) in place in Malaysia to ensure that funds collected by non-profit organizations (such as charitable, religious or cultural institutions) are not diverted to other than their stated purposes, in particular for the financing of terrorism, the third report (page 5) states that the Registry of Societies "is in process of amending the legislation to further tighten the financial provisions report under the Societies Act 1966". The CTC would appreciate receiving a progress report on the adoption of such amendments.

1. The proposal for certain amendments to the Societies Act 1966 have been made and preliminary discussions on the matter with the relevant authorities are being pursued. The matter is accorded its due attention.

3. Effective implementation of sub-paragraph 1(d) of the Resolution requires States to have legal measures in place to regulate alternative money remittance service/transfer services. The second report from Malaysia (page 8) mentions that any person who wants to carry on a banking business needs to apply for a license from the Central Bank. The CTC would appreciate further clarification on the considerations involved in granting such a license. Furthermore, the CTC would be grateful to know if such a license also applies to all varieties of money remittance transfer agencies or services. If the

answer to the previous question is yes, please provide the number of such entities licensed in Malaysia.

1. No banking license under the Banking and Financial Institution Act 1989 has been issued by Bank Negara Malaysia (the Bank) to either domestic or foreign parties in the last 20 years. Furthermore, as a matter of policy, money remittances are required to be made through the banking system, that is, via a licensed bank. In addition, Section 10 of the Exchange Control Act 1953 (ECA) prohibits any person from carrying on the business of remitting money or in kind outside Malaysia except with the permission of the Controller of Foreign Exchange. Under paragraph 7(2) of the Fifth Schedule to the ECA, anyone who contravenes section 10 shall be liable, upon conviction, to a fine not exceeding RM 10,000 or to imprisonment for a term not exceeding 3 years, or to both. To date, all authorized dealers in foreign currency, i.e. banks which are licensed under Banking and Financial Institution Act 1989. The criteria used and considerations involved in the licensing process of the Bank are consistent with Principle 3 of the BIS Core Principles.

2. With respect to Islamic Banking, the Bank will issue up to three new Islamic banking licenses to qualified foreign players. The following criteria will apply in assessing the merit of each applicant:

   2.1 The applicant must be a financially sound licensed foreign Islamic banking institution or a foreign financial institution with experience in Islamic banking business;

   2.2 The applicant must be regulated and supervised by a competent home regulatory authority and preferably, with a strong reputation in its own national jurisdiction; and

   2.3 The applicant must be able to demonstrate, through its business plans, that the new Islamic bank in Malaysia will have the expertise and resources that can contribute constructively to the development of the domestic Islamic financial sector and the economy of Malaysia. The business plan should include, among others:-

      2.3.1 details on the competency, integrity, qualifications and experience of the

proposed senior management team (including the board of directors);

2.3.2 the proposed operating plan and internal controls (including the corporate governance structure and risk management framework); and

2.3.3 the projected financial condition and pro forma financial statements for the new Islamic bank for the first three years (including its capital adequacy status).

3. Apart from the above criteria, an applicant must submit the proposed ownership structure of the new Islamic Bank, including the source of capital, its direct and indirect controlling and major shareholders (shareholders with a minimum equity interest of 10%), its financial strength, the review of its previous banking and non-banking business ventures, its integrity and reputation. The successful applicant must be locally incorporated and licensed under the Islamic Banking Act 1983 as a full-fledged Islamic bank. The new Islamic bank will be required to have a minimum capital of RM300 million (USD 78.95 million). Similar to the incumbent locally incorporated licensed foreign banks in the conventional banking system in Malaysia, the new Islamic bank may have a foreign equity interest of up to 100%. This can take the form of a wholly owned subsidiary or a joint venture with domestic investors or other foreign financial institution that fulfils the Bank's criteria.

4. Currently, all bank licensed under the Banking and Financial Institution Act 1989 and the Islamic Act 1983 are allowed to provide money remittance services. The total number of such banks is 25.

4. The CTC notes that Malaysia has established a Financial Intelligence Unit and empowered to collect, analyze and disseminate information on suspicious, large and unusual transactions. The CTC is interested to know whether the Malaysian Financial Intelligence Unit is adequately structure and staffed (both financially and technically) fully to perform its mandated functions. Please provide data in respect to the above requirements.

1. The Minister of Finance has appointed the Bank as the competent authority under the Anti-Money Laundering Act 2001 (AMLA). The Financial Intelligence Unit (FIU) was established in the Bank on 8 August 2001 to carry

out the functions of the competent authority under the AMLA. The FIU then has a total staff of 18 (see organizational structure in Appendix I), which consists of three sections, namely:

1.1 Strategic Development Section (Strategic and Policy Section) is responsible for the strategic implementation of Malaysia's AML/CFT Programme, formulation of policies and identification of key areas on money laundering trends, methods and developments.

1.2 Relationship Management Section primarily establishes cooperative relationship with stakeholders and map out the AML/CFT capacity building programme.

1.3 Intelligence Management Section (Intelligence analysis Section) maintains the national database of suspicious transaction reports and analyses financial information to develop intelligence that leads to or assist in current investigations by enforcement agencies.

2. In the light of the extension of the AMLA's reporting obligations to additional categories of reporting institutions, amendments to the AMLA and increasing workload of the FIU in the Bank, the organizational structure has been revised. The following two additional sections were created:

2.1 AMLA Compliance Section is primarily responsible to check that reporting institutions comply with the AMLA reporting obligations. Its main functions would include off-site surveillance of reporting institutions' compliance programmes and on-site examination of AMLA compliance among non-financial reporting institutions. The relevant supervisory departments/authorities will undertake the examination on AMLA compliance for financial institutions.

2.2 Investigation Support Section is responsible to assist on-going investigations by enforcement agencies with needed financial intelligence on the money trail of money laundering, terrorist financing and criminal activities.

2.3 The newly revised structure as at 18 August 2004 has a total staff of 29 (see new organization

structure in Appendix I). In this respect, the Asia/ Pacific Group on Money Laundering (APG) mutual evaluation exercise for Malaysia conducted in July 2001 concluded that "Malaysia has made significant progress in establishing an appropriate anti-money laundering regime in the last few years". In addition, the Asia Europe Meeting (ASEM) consultants who assessed Malaysia's technical assistance requirements in December 2002 also concluded that "Malaysia's anti-money laundering system is well-developed, integrated and supported by capable and professional staff across a number of agencies. Malaysia has taken the time and effort to construct an effective system. It developed sound legislation, effective institutions and well-trained staff".

5. **In respect to the effective implementation of subparagraph 1(a) of the Resolution, the CTC would like to be informed about the requirements in place related to offshore banking facility in the Labuan Offshore Financial Center. In particular, do the regulations in place enable Malaysian authorities to identify the beneficial owners of international business companies (IBCs) and offshore trusts?**

1. The offshore banking business is governed by the Offshore Banking Act 1990 that provides provisions of the law for the licensing and regulation of persons carrying on offshore banking business and offshore financial business in Labuan IOFC.

2. The offshore legislation of Labuan IOFC do not allow the establishment of any international business companies or IBC's. The operational aspect of an IBC is different to that of an offshore company.

3. With regard to an offshore trust in Labuan, section 22 (1) of the Labuan Offshore Trust Act 1990 among others stipulate that a beneficiary of a Labuan offshore trust shall be identifiable by name or ascertainable by reference to a class or to a relationship to some person, whether or not living at the time which under the terms of the offshore trust is the time by reference to which members of a class are to be determined. In addition, section 22(2) states that where there are no beneficiaries identifiable or ascertainable in accordance with subsection (1), the trust shall not be valid unless the purpose is a charitable purpose.

4. In addition, section 53 of the Labuan Offshore Trust Act 1990 states that a trust company acting as a trustee of an offshore shall not accept any more money or other property from a transaction, operation or other activity which is a criminal offence under the laws of Malaysia.

5. Section 28B (2) of the Labuan Offshore Financial Services Authority Act 1996 among other stipulates that if LOFSA is satisfied, based on the evidence made available to it that fraud or criminal offence has been or is likely to be committed, LOFSA may require the submission of any information relating to the affairs, account, dealing or particular of a customer of or any person involved in the ownership or management of or deal with a trust company. In addition, section 20 of the Anti Money Laundering Act 2001 overrides any secrecy provision that has been incorporated under any provision of laws relating to offshore financial services in Labuan.

6. The above regulations are sufficient and have come into effect in implementing subparagraph 1(a) of the Resolution.

6. The CTC would appreciate receiving further progress report on the ratification and incorporation into Malaysian law of nine international instruments related to terrorism to which it is not yet a party.

1. Since the 3rd Report was made to the CTC, Malaysia acceded to two UN Counter-Terrorism Conventions as follows:

   1.1 The International Convention for the Suppression of Terrorist Bombings;

   Instrument of accession deposited on 24 September 2003.

   1.2 The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;

   Instrument of accession deposited on 24 September 2003.

2. The remaining 7 UN Counter-Terrorism Conventions and Protocols to which Malaysia are not party are as follows:

   2.1 International Convention for the Suppression of the Financing of Terrorism;

2.2 International Convention against the Taking of Hostages;

2.3 Protocol for the Suppression of Unlawful Acts of Violence at Airports;

2.4 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

2.5 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

2.6 Convention on the Marking of Plastic Explosives for the Purpose of Detection;

2.7 Convention on the Physical Protection of Nuclear Material;

3. The Malaysian Government has agreed that Malaysia become party to these instruments upon completion of the necessary legislative and administrative measures to enable Malaysia to effectively implement its obligations under those instruments. To this end, amendments have been enacted/are being drafted to several laws to implement the instruments as follows:

3.1 The International Convention for the Suppression of the Financing of Terrorism;

A new Chapter VIA has been introduced into the Penal Code while a new chapter VIA and other related amendments have been made to the Anti-Money Laundering Act 2001 to give legal effect to this Convention. Consequential amendments to the Criminal Procedure Code are pending. Accession will proceed once these amendments come into operation.

3.2 The International Convention against the Taking of Hostages;

A new section 374A has been introduced into the Penal Code to give legal effect to this Convention. Consequential amendments to the Criminal Procedure Code are pending. Accession will proceed once these amendments come into operation.

3.3 Protocol for the Suppression of Unlawful Acts of Violence at Airports;

Malaysia signed the Protocol on 24 February 1988. Amendments to the Aviation Offences Act 1984 have been drafted and are scheduled to be tabled at the September 2004 Parliament Session. Ratification will proceed once these amendments come into operation.

3.4 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

Amendments to the Penal Code have been drafted and are scheduled to be tabled at the September 2004 Parliament session. Accession will proceed once these amendments come into operation.

3.5 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

Amendments to the Penal Code have been drafted and are scheduled to be tabled at the September 2004 Parliament session. Accession will proceed once these amendments come into operation.

3.6 Convention on the Marking of Plastic Explosives for the Purposes of Detection;

Amendments to the Explosives Act 1957 have been drafted and are scheduled to be tabled at the September 2004 Parliament session. Accession will proceed once these amendments come into operation.

3.7 Convention on the Physical Protection of Nuclear Material;

Amendments to the Atomic Energy Licensing Act 1984 have been drafted and are scheduled to be tabled at the September 2004 Parliament session. Accession will proceed once these amendments come into operation.

7. The CTC would appreciate receiving a progress report and an outline of the amendments to the Penal Code that will criminalize terrorist acts and the financing of terrorism as indicated in the Malaysia's Third report (page 9)

-As provided in response to Question 1-

8. Effective implementation of sub-paragraphs 2(c) and 2(g) of the Resolution require the operation of efficient customs, immigration and border controls to prevent the movement of terrorists and the establishment of safe havens. In this regard, please outline the legal and administrative procedures developed by Malaysia to protect port facilities, ships, persons and cargo from the risk of terrorist attacks.

1. In the efforts to maintain the security of the national ports, Malaysia has imposed restriction on import and export of dangerous, hazardous and high risk items, such as the firearms, chemicals and weapons through the implementation of the 1988 Customs Order legislation act.

2. The Royal Malaysia Customs has also enhanced its security measures on the inspection methods for all incoming and outgoing goods by developing a risk assessment technique as well as placing effective scanning and x-ray machines at all entry and exit points.

3. On 21 January 2003, the Royal Customs of Malaysia signed a Declaration of Principles with the US Customs Service on the implementation of Container Security Initiatives (CSI). The objective is to screen ocean-going sea containers destined for export to the US as to prevent terrorists from smuggling weapons of mass destruction into that country.

4. Two ports namely the Klang Port and Tanjung Pelepas Port had been identified as the strategic ports for the CSI programme. CSI was implemented in Klang Port on 8th March 2004 with the placement of four US Custom Officials. As at mid-July 2004, it was reported that thirty-one (31) vessels have been scanned while one vessel was held for physical examination. None of these containers have been identified for carrying weapons of mass destruction or violated any customs offences. On 16 August 2004, CSI was implemented in Tanjung Pelepas Port with the placement of three US Custom Officials.

5. The Royal Malaysia Customs has also set high emphasis on the risk assessment, targeting and profiling of high risk goods through the placement of non-intrusive scanning machines to facilitate the examination of goods at the main ports.

6. Further to Malaysia's efforts to counter and prevent various security threats, operations of armed forces are currently being increased on land, naval and air forces.

6.1 Land Operations

The Armed Forces of Malaysia have undertaken efforts to conduct border surveillance with neighbouring countries such as Thailand, Indonesia, Philippines and Singapore.

6.2 Naval Operations

Surveillance of Malaysian waters is implemented by the Royal Malaysian Navy in an integrated manner with the cooperation of the various law enforcement agencies.

6.3 Air Operations

Maritime air space surveillance is implemented by the Royal Malaysian Air Force in water areas such as the Straits of Malacca and Sabah.

Effectiveness of controls preventing access to weapons by terrorists

9. Effective implementation of subparagraph 2(a) of the Resolution requires each Member State, inter-alia, to have in place appropriate mechanism to control and prevent terrorist access to weapons. Has the Atomic Energy Licensing Board of Malaysia (as mentioned in page 11 of the third report) established a national reporting or auditing procedure to detect the loss or theft of hazardous material, such as radiological, chemical and biological substances and their waste products from government or private sources?

1. Malaysia is preparing to enact a specific Chemical Weapons Convention Act, among others, to control and prevent terrorist access to chemical weapons. The legislation is due to be tabled at the September 2004 Parliament Session.

2. A National Authority will be established under the new legislation to implement Malaysia's obligations under the Convention including measures for a national reporting procedure to detect the loss or theft of chemical substances and waste products.

3. In relation to biological weapons, Malaysia already has in place several legislations to regulate the import, export, possession and use of biological substances. These laws are being reviewed to ensure they effectively fulfill the obligations under the Biological Weapons Convention. A national reporting procedure is also being established to facilitate the detection of the loss or theft of biological substances and waste products.

4. In relation to radiological substances, Malaysia has also established a national reporting and auditing procedure to facilitate the detection of the loss or theft of nuclear and radiological materials.

10. Has Malaysia put in place radiation detection and monitoring devices at points of entry such as portal monitors and radiation pagers?

1. The Royal Malaysia Custom is currently undertaking a study to review the implementation of 'Megaports Initiatives', proposed by the National Security Administration's (NSA) for the purpose of detecting and interdicting illicit trafficking of nuclear and other radioactive material.

2. The Royal Malaysia Custom is also undertaking initiative to procure various radiation detections and monitoring devices, for various points of the entry ports.

11. The CTC is aware that Malaysia may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of Malaysia's response to these matters as well as details of any efforts to implement international best practices, codes and standards which are relevant to the implementation of resolution 1373.

1. From the period of January till August 2004, Malaysia has responded to two sets of Questionnaires, which were as follows:-

   1.1 United Nations Questionnaire on the Nature of Links between Terrorism and other Forms of Crime;

   1.2 Bali Regional Ministerial Meeting on Counter-Terrorism Legal Issues Working Group Questionnaires;